

DATE: 12/12/2007CASE NUMBER: 07-10824M-001**CLOSED**USA vs. Sergio Lozano-AgudoU.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BKA.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE SpanishAttorney for Defendant Matthew Johnson for Brenda Acosta Sandoval (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: PRESENT NOT PRESENT CUSTODYDOA _____
 Financial Afdvt taken
 Rule 5(c)(3)
 Initial Appearance
 Defendant Sworn
 Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.
 Appointment of counsel hearing held
 Financial Afdvt sealed**DETENTION HEARING:** Held Con't Submitted Reset

Set for:

Before:

-
- Defendant ordered temporarily detained in the custody of the United States Marshal
-
-
- Defendant ordered released _____
-
-
- Defendant continued detained pending trial
-
-
- Flight risk
-
- Danger

IDENTITY HEARING: Held Con't Submitted Reset Waived

Set for:

Before:

 Warrant of removal issued.**PRELIMINARY HEARING:** Held Con't Submitted Reset Waived

Set for:

Before:

-
- Probable cause found
-
- Dismissed
-
-
- Held to answer before District Court

STATUS HEARING: re: _____ Held Con't Reset

Set for:

Before:

Other: Government moves for a dismissal of complaint. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.Recorded by Courtsmart (2 min)
BY: Angela J. Tuohy
Deputy Clerk

DATE: 12/7/2007CASE NUMBER: 07-10824-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Sergio Lozano-AgudoU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
Attorney for Defendant Matthew Johnson (AFPD) LANGUAGE: SpanishDEFENDANT: PRESENT NOT PRESENT RELEASED CUSTODYDOA 12/6/2007
 Financial Afdvt taken
 Initial Appearance Complaint Filed
 No Financial Afdvt taken Appointment of counsel hearing held
 Financial Afdvt sealedDETENTION HEARING: Held Cont'd Reset UA

Set for: before:

- Defendant ordered temporarily detained in the custody of the United States Marshal
 Defendant ordered released (see order setting cond of rel) Bail set at \$ _____
 Defendant continued detained pending trial Flight Risk Danger

PLEA HEARING: Held Cont'd Reset

Set for: before:

- Consent to be tried by a Magistrate Judge signed Class A Misd Class B Misd Class C Misd
 Consent of Defendant Information filed _____ Complaint filed _____
 Defendant sworn and examined by the Court Plea of Guilty Not Guilty Entered to Counts _____
 Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
 Plea of Guilty entered as to Ct(s) _____ of the Information Indictment Complaint
 Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
 Plea agreement: Lodged Filed Sealed
 Court does not accept defendant's plea of guilty because _____
 PSI ORDERED EXPEDITED PSI waived Time waived for passage of sentence
 Continued for sentence to _____ before _____
 To be dismissed upon entry of the judgment, Ct(s) _____
 ORDER vacate trial date/motion hearing/mtns moot
 ORDER defendant remain released pending sentence remanded to USM

SENTENCING:

- Defendant committed to Bureau of Prisons for a period of _____ Probation/Supervised Release for _____
 Special Assessment \$ _____ Fine \$ _____ Restitution \$ _____

Other: Defense counsel advises the Court that the defendant may have mental health issues that need to be addressed. The Court set this matter for a Status Hearing Regarding Mental Health Evaluation on 12/12/07 at 1:00 p.m.RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

1216

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Sergio LOZANO-Agudo
Citizen of Mexico
YOB: 1968
A92 871 906
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10824 M SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about 11/07/1996, Defendant Sergio LOZANO-Agudo was arrested and removed from the United States to Mexico through the port of Otay Mesa, California, in pursuance of law, and thereafter on or about December 6, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about December 6, 2007, within the Southern District of California, Defendant Sergio LOZANO-Agudo, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. Yes No

Signature of Complainant

Alfredo Prieto

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

December 7, 2007

Date

at

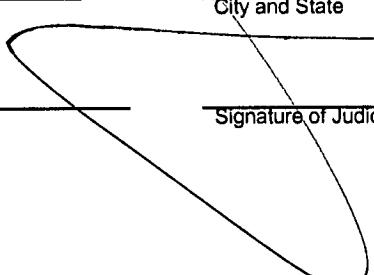
Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer



STATEMENT OF FACTUAL BASIS

Defendant: Sergio LOZANO-Agudo

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Otay Mesa, California on 11/07/1996.

CRIMINAL HISTORY:

DATE/LOCATION	OFFENSE	DISPOSITION
8/12/90 San Diego, CA	Take veh w/o owners consent/veh theft	Pros rel-det only-lack of suff evidence
7/9/92 Anaheim, CA	Petty theft, Burglary	None found
7/16/92 Fullerton, CA	Burglary	36 months probation, 60 days jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near Andrade, California on December 6, 2007.

Charges: 8 USC§1326
8 USC§1325 (Felony)
(Misdemeanor)

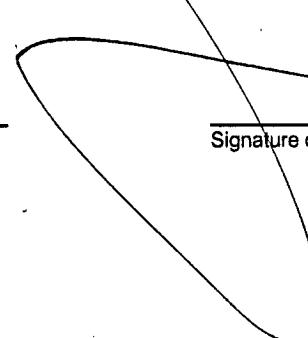


Signature of Complainant

Sworn to before me and subscribed in my presence,

December 7, 2007

Date



Signature of Judicial Officer